

COUNTY COUNCIL  
OF  
HARFORD COUNTY, MARYLAND

BILL NO. 74-51

Introduced by Councilman O'Neill at the request of the County Executive

Legislative Day No. 74-35

Date: OCTOBER 15, 1974

AN ACT to add new Sections 25-51 through 25-51.17, heading "Historic Districts" to Article 3 of Chapter 25 of the Harford County Code (1974) to provide for a special Zoning District in Harford County for the protection and preservation of Historic Sites in Harford County; to provide for definitions, and standards relating to the special District; to create a Historic District Commission; to provide for the enforcement of the Section, and generally relating to Historic District Zoning in Harford County, Maryland.

By the Council, OCTOBER 15, 1974

Introduced, read first time, ordered posted and public hearing scheduled

on: NOVEMBER 19, 1974

at: 7:00 P.M.

By Order: Angela Marlowski, Secretary

PUBLIC HEARING

Having been posted and Notice of time and place of hearing and Title of Bill having been published according to the Charter, a public hearing was held on NOVEMBER 19, 1974 and concluded on NOVEMBER 19, 1974.

1 Section 1. *Be It Enacted By The County Council Of Harford*  
2 *County, Maryland*, that new Sections 25-51 through 25-51.17  
3 heading "Historic Districts", be, and it is hereby added to  
4 Article 3, Chapter 25 of the Harford County Code, all to read  
5 as follows:

6 HISTORIC DISTRICTS

7 Section 25-51.

8 Section 25-51.1. Definitions: For the purposes of this Section  
9 the following words and phrases shall have the meanings  
10 respectively ascribed to them:

11 (a) "Historic District" shall mean an area(s) of Harford  
12 County wherein there are located on one or more structures which  
13 have historical, cultural, educational and/or architectural  
14 value, the preservation of which is deemed to be for the  
15 educational, cultural, economic and general welfare of the  
16 inhabitants of Harford County.

17 (b) "Structures" shall mean a combination of material  
18 to form a construction that is stable, including among other  
19 things, buildings, tanks and towers, trestles, piers, paving,  
20 bulkheads, wharves, sheds, coal bins, shelters, fences and dis-  
21 play signs; the term "structure" shall also include natural  
22 land formations; the term "structure" shall be construed as if  
23 followed by the words, "or part thereof".

24 (c) "Appurtenances and environmental settings" shall  
25 include but not be limited to walkways and driveways (whether  
26 paved or not) trees, landscaping and rocks. When used in this  
27 Act, the word, "structure", shall also be determined to  
28 include the words, "appurtenances and environmental settings".

29 (d) "Exterior architectural features" shall mean the

1 and style of all windows, doors, light fixtures, signs and other  
2 similar exterior features.

3 Section 25-51.2. Purposes and Intent: The preservation of  
4 sites and structures of historic and architectural value together  
5 with their appurtenances and environmental settings is a public  
6 policy of Harford County. In accomplishing this policy the  
7 following objectives are sought to be attained:

8 (a) To safeguard the heritage of the County by preserving  
9 the districts therein which reflect elements of its cultural,  
10 social, economic, political, or architectural history.

11 (b) To stabilize and improve property values in such  
12 districts.

13 (c) To foster civic beauty.

14 (d) To strengthen local economy.

15 (e) To promote the use and preservation of historic  
16 districts for the education, welfare, and pleasure of the  
17 residents of Harford County.

18 (f) The County Council, County Executive, Department of  
19 Planning and Zoning and the Historic District Commission may seek  
20 and obtain the advice and assistance of the Harford County  
21 Committee of the Maryland Historical Trust, the Historical  
22 Society of Harford County, Inc. and other organizations or  
23 individuals qualified by interest, training and experience in  
24 achieving the purposes of this Act.

25 Section 25-51.3. Historic District Commission: Composition.

26 (a) There is hereby created a Commission to be known as  
27 the "Historic District Commission".

28 (b) Chairman; members.

29 (1) The Commission shall consist of seven (7) members.

1 representatives of local organizations active in historical  
2 preservation to be chosen from a list of six (6) nominated  
3 collectively by the Harford County Committee of the Maryland  
4 Historical Trust and the Historical Society of Harford County,  
5 Inc. The terms of all the members shall be coterminus  
6 with the term of the County Executive. The Chairman of the  
7 Commission shall be appointed by the County Executive annually.  
8 The County Executive may designate a Co-chairman in addition to  
9 the Chairman. The Commission shall select from its membership  
10 a secretary to serve a term of one (1) year who shall perform  
11 such duties as the Commission may prescribe.

12 (c) Compensation; meetings; budget; staff.

13 (1) The members of the Commission shall serve  
14 without compensation, but shall be reimbursed for necessary  
15 expenses incurred in the performance of their duties.

16 (2) The Commission shall meet monthly and shall  
17 hold special meetings at the call of the Chairman or of any four  
18 (4) members of the Commission. All meetings shall be open to  
19 the public. Any interested person or his representative is  
20 entitled to appear and be heard by the Commission before it  
21 reaches a decision on any matter. The Commission shall keep  
22 an open record of its resolutions, proceedings and actions  
23 which shall be kept available for public inspection during  
24 reasonable business hours. Four (4) members shall constitute a  
25 quorum.

26 (3) The Chairman of the Commission shall annually  
27 submit a report of the Commission's activities to the County  
28 Executive and to the County Council. The Chairman shall also  
29 submit to the County Executive an annual operating budget for

1 This personnel is to receive such compensation as may be provided  
2 for in the Annual Budget and Appropriation Ordinance of Harford  
3 County, Maryland.

4 Section 25-51.4. Creation of Historic Districts: The Commission  
5 is hereby authorized and empowered, upon consultation with the  
6 Department of Planning and Zoning of Harford County, Maryland,  
7 and after making full and proper study, to designate any area  
8 within the limits of Harford County as a proposed Historic  
9 District and to determine the boundary lines of any such  
10 district. After any such area has been designated and the  
11 boundary lines determined, the Commission shall prepare  
12 legislation setting forth that which it recommends be declared  
13 a Historic District, and cause such ordinance to be introduced  
14 in the County Council for appropriate action. No area shall be  
15 deemed to be a Historic District unless and until it has been so  
16 designated by an ordinance passed by the County Council.

17 Section 25-51.5. Compilation and Maintenance of Landmarks List.

18 (a) The Commission shall compile and maintain a list of  
19 structures, both public and private, in Harford County, which the  
20 Commission deems to be of significant historical, architectural,  
21 archeological or cultural value and shall submit this list and  
22 any subsequent additions thereto, from time to time, to the  
23 Department of Planning and Zoning of Harford County, Maryland,  
24 for inclusion on the "Preliminary Landmarks List" as hereinafter  
25 defined.

26 (b) The Preliminary Landmarks List shall be composed of  
27 structures specifically found to contribute substantially to the  
28 architectural or historic heritage of the County, State or  
29 Nation and meeting one or more of the following criterion:

1 style or period.

2 (3) Has, or may be likely to yield, information or  
3 materials important to history or pre-history.

4 (4) A work of notable artistic merit or an object of  
5 singular natural beauty.

6 (5) A good example of the work of a noted architect  
7 or master builder.

8 (c) Upon receipt of the recommended list, as compiled by  
9 the Commission, and any subsequent additions thereto, the  
10 Director of Planning shall conduct public hearings to determine  
11 if the structures on the list recommended by the Commission  
12 may be included on the Preliminary Landmarks List.

13 (d) Thereafter, the Preliminary Landmarks List, as  
14 approved, shall be submitted to the County Council for approval.  
15 The list of structures, approved by the County Council for  
16 preservation under the provisions of this Article, shall be  
17 designated as the "Final Landmarks List". No structure shall be  
18 deemed to be in the Final Landmarks List unless and until it has  
19 been so designated by approval of the County Council.

20 (e) Copies of the Preliminary Landmarks List and Final  
21 Landmarks List shall be available for public inspection in the  
22 Office of the Director of Planning, the Zoning Office and in the  
23 Office of the Commission.

24 Section 25-51.6. Permit required for changes to privately or  
25 publicly owned structures:

26 (a) Before any person or other legal entity, including  
27 Harford County and any municipality thereto, commences any  
28 excavation, or the construction or erection of any building,  
29 fence, wall, sign, or other new construction of any kind, or,

1 or hereinafter, appearing in the Preliminary or Final  
2 Landmarks List, such person, legal entity or government agency  
3 shall submit an application for a permit to the Department of  
4 Inspections, Licenses & Permits; and no work contemplated therein  
5 shall commence before the issuance of such permit.

6 (b) The Department of Inspections, Licenses & Permits,  
7 upon receipt of an application for permit, shall forward the  
8 same to the Commission together with all plans, elevations,  
9 and other information deemed necessary to determine the appro-  
10 priateness of the proposed changes. The Commission will take  
11 no action until it determines the application is complete.

12 (c) The Department of Inspections, Licenses & Permits shall  
13 not issue any permit until the Commission shall either  
14 issue a Certificate of Appropriateness or Notice to Proceed or  
15 shall proceed as provided by this Act; however, if the  
16 Commission shall not have acted upon the application for permit  
17 within forty-five (45) days of the receipt thereof, it shall  
18 be deemed to be approved by the Commission.

19 Section 25-51.7. Historic District Commission: Determinations  
20 to be made by the Commission.

21 (a) If the Commission shall determine that the application  
22 for permit is appropriate, or, although inappropriate, the  
23 application is without substantial deviation from the purposes of  
24 this Act, the Commission shall forward to the Department of  
25 Inspections, Licenses & Permits a Certificate of  
26 Appropriateness or Notice to Proceed, together with the  
27 applicable plans and specifications relating to the application.

28 (b) If the Commission does not issue a Certificate of  
29 Appropriateness or Notice to Proceed, it shall hold a Public

1 of any application for permit, the Commission shall post  
2 Notices of Public Hearing in accordance with the Charter of  
3 Harford County, Maryland. The notices shall appraise the public  
4 of the time and place of such hearing.

5 Section 25-51.9. Historic District Commission: Determinations  
6 resulting from the Public Hearing.

7 (a) Within reasonable time after the conclusion of a  
8 public hearing, the Commission shall determine:

9 (1) Whether the proposed permit will be appropriate  
10 and a Certificate of Appropriateness may be issued; or,

11 (2) Whether the proposed permit is inappropriate,  
12 but is without substantial detriment to the public welfare and  
13 without substantial derogation from the intent and purpose of  
14 this Act, and denial of the application will result in  
15 substantial hardship to the applicant, then the Commission, in  
16 lieu of a Certificate of Appropriateness, may issue a Notice  
17 to Proceed; or,

18 (3) Whether the permit is inappropriate and neither  
19 a Certificate of Appropriateness nor a Notice to Proceed will be  
20 issued and the permit denied.

21 (b) Within a reasonable time after reaching its decision,  
22 the Commission shall issue its instructions to the Department  
23 of Inspections, Licenses & Permits together with the applicable  
24 plans and specifications relating thereto. All denials of  
25 permits will be accompanied by the findings of the Commission  
26 with a full justification of the denial.

27 Section 25-51.10. Historic District Commission: Department of  
28 Planning and Zoning bound by the determination of the Commission.  
29 The Department of Planning and Zoning, upon return to them of



1 applicable codes of Harford County, applications acceptable  
2 to the Commission and shall disapprove those applications which  
3 the Commission has denied.

4 Section 25-51.11. Permit postponed for structures within  
5 Historic Districts and/or on the Preliminary or Final Landmarks  
6 Lists: The Commission may, if it determines any request for a  
7 permit to be inappropriate, notify, in writing, the Department  
8 of Inspections, Licenses & Permits to postpone the issuance of any  
9 authority to proceed. If the Department of Inspections, Licenses  
10 & Permits is notified to postpone the authority to proceed, it  
11 shall so postpone for a period not to exceed two (2) months  
12 from the date of notification by the Commission, or until the  
13 Commission issues a Certificate of Appropriateness or Notice to  
14 Proceed, whichever shall first occur. The Commission, within  
15 the period of postponement, shall meet with the applicant for the  
16 permit and shall consult with historic and civic groups,  
17 public agencies and interested citizens to ascertain what the  
18 County may do to preserve the structures.

19 Section 25-51.12. Not applicable to ordinary maintenance:  
20 Nothing in this Act shall be construed to prevent any ordinary  
21 maintenance or repair of any structure.

22 Section 25-51.13. Appeal from the decisions of the Commission:  
23 Any person or legal entity aggrieved by any decision of the  
24 Commission may within forty-five (45) days after the Department  
25 of Inspections, Licenses & Permits has approved, disapproved or  
26 delayed an application for permit, as provided herein,  
27 appeal such decision to the County Council of Harford County.  
28 Any final decision of the County Council may be appealed to  
29 the Circuit Court for Harford County.

1 enjoin, abate or remove such violations.

2 Section 25-51.15. Power of the Commission to accept and expend  
3 funds: In accordance with the provisions of the Charter of  
4 Harford County, Maryland, the Commission may contract with and/or  
5 accept any grant, loan or aid of any character from Federal, State  
6 or private sources to be expended for the purposes contemplated  
7 by this Act, including but not limited to making of surveys  
8 and the acquisition, restoration and possible resale of  
9 properties of historical or architectural significance. Any sums  
10 received from the resale of such properties, to the extent  
11 permitted by law, may be retained by the Commission for the  
12 acquisition and restoration of additional properties.

13 Section 25-51.16. Outstanding building permits: Nothing in this  
14 Act shall apply to or affect any building permit which has  
15 been issued and is outstanding on the effective date of this  
16 Act.

17 Section 25-51.17. Severability: If any provisions of this Act  
18 or the application thereof to any person or circumstance is held  
19 invalid for any reason, such invalidity shall not effect the  
20 other provisions or any other application of this Act which  
21 can be given effect without the invalid provisions or application,  
22 and to this end, all the provisions of this Act are hereby  
23 declared to be severable.

24 Section 2. *And Be It Further Enacted*, that this Act shall take  
25 effect sixty (60) days from the date it becomes law.

26 Effective: January 20, 1975

27  
28  
29 The Secretary of the Council does hereby  
certify that fifteen (15) copies of this bill  
are immediately

BY THE COUNCIL

Read the third time.

Passed LSD 74-39, November 19, 1974 (~~with amendments~~)~~Failed of Passage~~

By order

Angela Markowski, Secretary

Sealed with the County Seal and presented to the County Executive  
 for his approval this 20th day of November, 1974  
 at 12:30 o'clock P.M.

Angela Markowski, Secretary

BY THE EXECUTIVE

APPROVED:

Charles B. [Signature]  
 County Executive

Date

11-21-74

BY THE COUNCIL

This Bill, having been approved by the Executive and  
 returned to the Council, becomes law on January 20, 1975.

Angela Markowski